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**DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)  
COMBINED WITH POWER OF ATTORNEY**

☐ Declaration Submitted with  
Initial Filing

☒ Declaration Submitted after  
Initial Filing (surcharge  
(37 CFR 1.16(e)) required)

**Attorney Docket Number**

**IS01407MCG**

**First Named Inventor**

**Harold N. Rosenstock**

**Application Number**

**10/676,991**

**Filing Date**

**September 30, 2003**

☒ Regular (Utility) Application

☐ Design application

**Group Art Unit**

**Examiner Name**

**As a below named inventor, I hereby declare that:**

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD OF REPLICATING DATABASE ELEMENTS IN AN INFINIBAND ARCHITECTURE SUBNET**

the specification of which:

☐ is attached hereto

☒ was filed on: September 30, 2003

as U.S. Serial No.: 10/676,991

and was amended  
on:

(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent or inventor's certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

**IS01407MCG**

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Provisional Application Serial No.:	
Provisional Application Filing Date:	

I hereby claim the priority benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which is material to the patentability of this application and which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. Application(s):

- ☒ no such application(s) filed  
☐ such application(s) identified as follows:

Application No.	Filing Date (day, month, year)	Status (Patented, Pending, Abandoned)

I hereby declare that: as to any claimed subject matter of this application which is common to my earlier United States or foreign application(s), if any, which I have identified above and claimed the benefit of priority thereof, I do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the first of said earlier application(s), or in public use or on sale in the United States more than one year prior to the first of said earlier application(s), and that the said common subject matter has not been patented or made the subject of an inventor's certificate before the date of the first of said earlier U.S. application(s) in any country foreign to the United States on an application, filed by me or my legal representatives or assigns more than twelve months (six months if the present application is a Design patent application) prior to the first of said earlier U.S. application(s), if any; and that, as to any claimed subject matter of this application which is not common to said earlier application(s), if any, I do not know and do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the date of this application, or in public use or on sale in the United States more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months (six months if the present application is a Design patent application) prior to the date of this application.

I hereby appoint the attorney(s) or agent(s) associated with: Customer Number 23330 to prosecute this application and transact all business in the patent and trademark office connected therewith.

Address all telephone calls to:

Kevin D. Wills  
 Telephone: 602-952-4364  
 Facsimile: 602-952-4376

Address all correspondence to: Customer Number 23330

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first-named or sole inventor	HAROLD N. ROSENSTOCK		
Inventor's signature	<u>Harold N. Rosenstock</u>		Date <u>11/12/03</u>
Residence	Boxborough	MASSACHUSETTS	
	City	State or Foreign Country	
Citizenship	United States of America		
	Country of Citizenship		
Post Office Address	200 Old Harvard Road		
	Street Address		
	Boxborough	MASSACHUSETTS	01719
	City	State or Country	Zip Code

Full name of second-named joint inventor		<u>RICHARD DYKIEL</u>	
Inventor's signature		Date	
Residence	<u>Acton</u>	<u>MASSACHUSETTS</u>	
	City	State or Foreign Country	
Citizenship	<u>France</u>		
	Country of Citizenship		
Post Office Address	<u>29 Ethan Allen Drive</u>		
	Street Address		
<u>Acton</u>	<u>MASSACHUSETTS</u>	<u>01720</u>	
City	State or Country	Zip Code	

Full name of third-named joint inventor	MICHAEL LEIBENSBERGER	
Inventor's signature		Date
Residence	Somerville	MASSACHUSETTS
	City	State or Foreign Country
Citizenship	United States of America	
	Country of Citizenship	
Post Office Address	26 Claremon Street, Unit #2	
	Street Address	
	Somerville	MASSACHUSETTS
	City	State or Country
		02144
		Zip Code

Full name of fourth-named joint inventor	NEHRU BHANDARU	
Inventor's signature	<u>Neeru Bhandaru</u>	Date <u>11/12/03</u>
Residence	<u>Sudbury</u> City	<u>MASSACHUSETTS</u> State or Foreign Country
Citizenship	<u>United States of America</u> Country of Citizenship	
Post Office Address	<u>52 Surrey Lane</u> Street Address	
	<u>Sudbury</u> City	<u>MASSACHUSETTS</u> State or Country
		<u>01776</u> Zip Code



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Rosenstock et al.	Examiner:	TBA
Serial No.:	10/676,991	Group:	TBA
Filed:	09/30/2003	Case No:	IS01407MCG
Entitled:	METHOD OF REPLICATING DATABASE ELEMENTS IN AN INFINIBAND ARCHITECTURE SUBNET		

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**DECLARATION OF KEVIN D. WILLS UNDER 37 C.F.R. § 1.47**

I, Kevin D. Wills, hereby state as follows:

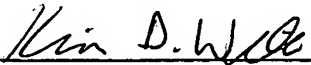
1. I am a Patent Attorney in the Law Department at Motorola, Inc. ("Motorola"), in Phoenix, Arizona. My responsibilities include working with Motorola employees and non-Motorola employees to prepare and prosecute patent applications for Motorola.
2. On September 4, 2003, I contacted (by phone) Richard Dykiel, who currently work for Sun Microsystems, Inc. I informed him that he was an inventor on the above patent application. I inquired if he would review the claims, specification and drawings, and sign a Declaration and Assignment pertaining to the above patent application. Richard Dykiel clearly understood exactly what he was being asked to review and sign. Richrad Dykiel said he would have to consult with his in-house counsel first.
3. On September 9, 2003, I was contacted by phone by Bernice Chen, Assistant General Counsel for Sun Microsystems, Inc. Bernice Chen indicated that Richard Dykiel would not be cooperating in pursuing the above patent application, Richard Dykiel would not be signing the Declaration and Assignment pertaining to the above patent application, and NOT to send copies of the claims, specification and drawings, or the Declaration and Assignment to Richard Dykiel, or herself. Bernice Chen also indicated I was to have no further contact with Richard Dykiel regarding this patent application.



4. On September 10, 2003, I received an express written refusal (by email) from Richard Dykiel to cooperate in pursuing the above patent application, which includes a refusal to receive copies of the claims, specification and drawings, and a refusal to sign the Declaration and Assignment. The email is attached.
5. On September 17, 2003, I received an email from Bernice Chen giving me the current addresses of Richard Dykiel, and implicitly confirming my acknowledgment of her request to have no further contact with Richard Dykiel. The email is attached.
6. Enclosed please find copies of the emails indicating my attempts to gain the cooperation of Richard Dykiel in the pursuit of the above patent application.

I declare under penalty of perjury that the statements made by me in this Declaration are true and correct.

Respectfully submitted,

  
\_\_\_\_\_  
KEVIN D. WILLS  
MOTOROLA, INC.  
Patent Attorney  
Law Department

DATE: 1-14-04

**Wills-Kevin-g14781**

---

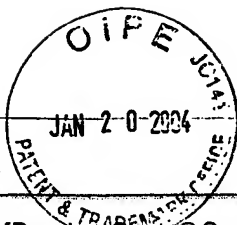
**From:** Richard Dykiel [richard.dykiel@sun.com]  
**S nt:** Wednesday, September 10, 2003 6:22 AM  
**To:** Kevin.Wills  
**Cc:** Bernice Chen; Diana Klashman; Richard Lagueux; Richard Dykiel  
**Subj ct:** Motorola patent application

Kevin,

In compliance with my company's decision, I must inform you that I will not be cooperating to complete the patent application you contacted me for.

Please contact Bernice Chen, the Sun patent attorney following this case, for any additional question.

Best regards,  
Richard Dykiel.



Wills Kevin-g14781

**From:** Bernice Chen [Bernice.Chen@Sun.COM]  
**Sent:** Wednesday, September 17, 2003 4:11 PM  
**To:** Wills Kevin-g14781  
**Subject:** Re: Motorola patent application

Kevin,

Below are the inventor information you have requested.

-----  
Richard A. Lagueux  
11 Pinewood Rd.  
Hudson, NH 03051  
Citizenship: United States of America

-----  
Richard Dykiel  
29, Ethan Allen dr.  
Acton, MA 01720  
Citizenship: French

-----  
Regards,

Bernice

Wills Kevin-g14781 wrote:

Bernice:

It was nice chatting with you yesterday. The only thing I will need to follow through with what we discussed are the full names, home addresses and citizenship of both Richard Dykiel and Richard Lagueux. I wanted to get this information through you and respect your wishes that I have no further contact with these two individuals. Thanks for your help.

Regards,

Kevin Wills  
Patent Attorney  
Motorola

9/22/2003

-----Original Message-----

From: Richard Dykiel [<mailto:richard.dykiel@sun.com>]

Sent: Wednesday, September 10, 2003 6:22 AM

To: Kevin.Wills

Cc: Bernice Chen; Diana Klashman; Richard Lagueux; Richard Dykiel

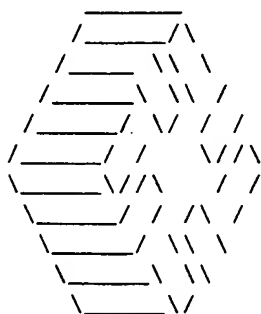
Subject: Motorola patent application

Kevin,

In compliance with my company's decision, I must inform you that I will not be cooperating to complete the patent application you contacted me for.

Please contact Bernice Chen, the Sun patent attorney following this case, for any additional question.

Best regards,  
Richard Dykiel.



Bernice B. Chen  
Assistant General Counsel  
Sun Microsystems, Inc.  
Mail Stop USUN05-204  
910 Hermosa Court  
Sunnyvale, CA 94085-4199  
(408) 720-4842 (x6-4842)  
(408) 720-2006 (x6-2006)  
  
[bernice.chen@sun.com](mailto:bernice.chen@sun.com)

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Rosenstock et al.	Examiner:	TBA
Serial No.:	10/676,991	Group:	TBA
Filed:	09/30/2003	Case No:	IS01407MCG
Entitled:	METHOD OF REPLICATING DATABASE ELEMENTS IN AN INFINIBAND ARCHITECTURE SUBNET		

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**DECLARATION OF KEVIN D. WILLS UNDER 37 C.F.R. § 1.47**

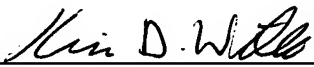
I, Kevin D. Wills, hereby state as follows:

1. I am a Patent Attorney in the Law Department at Motorola, Inc. ("Motorola"), in Phoenix, Arizona. My responsibilities include working with Motorola employees and non-Motorola employees to prepare and prosecute patent applications for Motorola.
2. On September 6, 2003, I contacted Michael Leibensperger via email to inquire if he would cooperate in the filing of the above patent application. I received no reply to the email. The email is attached.
3. On or about September 20, 2003, I received a phone call from Michael Leibensperger indicating that he would not cooperate in reviewing the application papers and he would not sign the Declaration. I believe that Michael Leibensperger clearly understood exactly what he was being asked to review and sign.
4. After Michael Leibensperger received a copy of the application papers, which included specification, claims, drawings, Declaration and Assignment, I received a letter from Michael Leibensperger on October 17, 2003, indicating that he had received the application papers and that he would not cooperate. A redacted copy of the letter is attached.

5. On October 21, 2003, I received an email from Michael Leibensperger indicating that he shredded the application papers. The email is attached.

I declare under penalty of perjury that the statements made by me in this Declaration are true and correct.

Respectfully submitted,

  
\_\_\_\_\_  
KEVIN D. WILLS  
MOTOROLA, INC.  
Patent Attorney  
Law Department

DATE: 1-14-04

Wills-K vin-g14781

**From:** Wills, Kevin-g14781  
**Sent:** Saturday, September 06, 2003 12:11 PM  
**T :** 'mjl@alumni.cmu.edu'  
**Subject:** Paceline patents

Michael:

My name is Kevin Wills and I am a patent attorney with Motorola. I am working on some patent applications that might pertain to your work at Paceline. You may be an inventor on one more of these patent applications. I was hoping to set up a time where I could give you a call and discuss this with you. Time is of the essence in this matter.

Please let me know if a time that would be good to contact you and a phone number where I might call. I appreciate your cooperation on this.

Regards,

Kevin Wills  
Patent Attorney, Motorola, Inc.  
(602) 952-4364

**Wills K vin-g14781**

---

**Fr m:** Bernice Chen [Bernice.Chen@Sun.COM]  
**Sent:** Wednesday, September 17, 2003 4:11 PM  
**To:** Wills Kevin-g14781  
**Subject:** Re: Motorola patent application

Kevin,

Below are the inventor information you have requested.

-----  
Richard A. Lagueux  
11 Pinewood Rd.  
Hudson, NH 03051  
Citizenship: United States of America

-----  
Richard Dykiel  
29, Ethan Allen dr.  
Acton, MA 01720  
Citizenship: French

-----  
Regards,

Bernice

Wills Kevin-g14781 wrote:

Bernice:

It was nice chatting with you yesterday. The only thing I will need to follow through with what we discussed are the full names, home addresses and citizenship of both Richard Dykiel and Richard Lagueux. I wanted to get this information through you and respect your wishes that I have no further contact with these two individuals. Thanks for your help.

Regards,

Kevin Wills  
Patent Attorney  
Motorola

9/22/2003



-----Original Message-----

From: Richard Dykiel [<mailto:richard.dykiel@sun.com>]

Sent: Wednesday, September 10, 2003 6:22 AM

To: Kevin.Wills

Cc: Bernice Chen; Diana Klashman; Richard Lagueux; Richard Dykiel

Subject: Motorola patent application

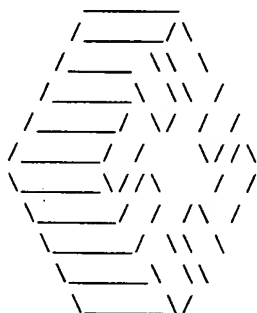
Kevin,

In compliance with my company's decision, I must inform you that I will not be cooperating to complete the patent application you contacted me for.

Please contact Bernice Chen, the Sun patent attorney following this case, for any additional question.

Best regards,  
Richard Dykiel.

--



Bernice B. Chen  
Assistant General Counsel  
Sun Microsystems, Inc.  
Mail Stop USUN05-204  
910 Hermosa Court  
Sunnyvale, CA 94085-4199  
(408) 720-4842 (x6-4842)  
(408) 720-2006 (x6-2006)  
[bernice.chen@sun.com](mailto:bernice.chen@sun.com)

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26 Claremon St., Apt. 2  
Somerville MA 02144  
17 October 2003

Mr. Kevin D. Wills  
c/o V. Lynn Webb  
Motorola, Inc. Law Department  
3102 North 56th St.  
Maildrop 56-238  
Phoenix AZ 85018

Re: Patent applications IS01408MCG, "InfiniBand Architecture Subnet Replicated Database Elements" and IS01407MCG, "Method of Replicating Database Elements in an InfiniBand Architecture Subnet."

Dear Mr. Wills,

I have received the paperwork for the above mentioned patent applications. I regret to inform you [REDACTED] I will not be cooperating with Motorola in pursuing these patents.

[REDACTED]

Since the documents you sent me are marked "Motorola Confidential," I will gladly either shred them or (upon receipt of postage costs) mail them back to you at your discretion. Let me know which you prefer.

Sincerely,

*Michael J. Leibensperger*

Michael J. Leibensperger

## Wills Kevin-g14781

**From:** Mike Leibensperger [mjl@alumni.cmu.edu]  
**S nt:** Tuesday, October 21, 2003 6:34 PM  
**To:** Wills Kevin-g14781  
**Subject:** Re: Patent Applications

No prob. I have just now finished shredding them.

mjl

> Mike:  
>  
> In that case, go ahead and shred them. Sorry if there was any  
> misunderstanding.  
>  
> Kevin  
>  
> -----Original Message-----  
> From: Mike Leibensperger [mailto:mjl@alumni.cmu.edu]  
> Sent: Monday, October 20, 2003 6:57 PM  
> To: Wills Kevin-g14781  
> Subject: Re: Patent Applications  
>  
> Hi Kevin,  
>  
> Sorry, but there was no prepaid Fedex envelope; if there had been, I  
> wouldn't have needed to ask what you wanted me to do with the  
> documents. It cost Motorola roughly \$11.00 for each of the two pieces  
> to send them to me, and I expect that's what it'll cost to send them  
> back by FedEx. You can send a check for \$22.00 to me at:  
>  
> 26 Claremon St., Apt. 2  
> Somerville MA 02144  
>  
> Or I can shred them for free. Let me know.  
>  
> Cheers,  
> mjl  
>  
> > Mike:  
> >  
> > Thanks for the note. I was looking for a simple statement of  
> > non-cooperation, but I guess this will suffice. There was a prepaid  
> > Fedex envelope included if you could please use it to send back the  
> > materials.  
> >  
> > Regards,  
> >  
> > Kevin Wills  
> >  
> > -----  
> > Mike Leibensperger --+-- ...mjl at alumni dot cmu dot edu...  
> > "Men never do evil so completely or cheerfully as when they do it from  
> > religious conviction." -- Blaise Pascal, 17th century Jesuit